

BEFORE THE  
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

THIS DECISION DESIGNATES FORMER BENEFIT  
DECISION NO. 5422 AS A PRECEDENT  
DECISION PURSUANT TO SECTION  
409 OF THE UNEMPLOYMENT  
INSURANCE CODE.

In the Matter of:

RUTH N. FLETCHER  
(Claimant)  
S.S.A. No. . . . .

LIVINGSTON BROTHERS, INC.  
(Employer-Appellant)

PRECEDENT  
BENEFIT DECISION  
No. P-B-202

FORMERLY BENEFIT DECISION No. 5422
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The above-named employer on April 14, 1949, appealed from the decision of a Referee (SF-5872) which held that the claimant was ineligible for benefits under Section 57(c) of the Unemployment Insurance Act (now section 1253(c) of the Unemployment Insurance Code) but was not subject to disqualification for benefits under Section 58(a)(1) of the Act (now section 1256 of the Unemployment Insurance Code). The above-named claimant on April 15, 1949, appealed from that portion of the Referee's decision which held that she was ineligible for benefits under Section 57(c) of the Act. For the purpose of decision, both appeals will be considered together.

Based on the record before us, our statement of fact, reason for decision and decision, are as follows:

STATEMENT OF FACT

The claimant was last employed for three years as a cashier by a women's ready-to-wear store in San Francisco. Because of domestic responsibilities she worked short hours from 11 a.m. to 4 p.m. and received \$1.01 per hour. On January 4, 1949, she voluntarily terminated her employment under circumstances hereinafter set forth. On January 6, 1949, the claimant registered for work as a

which were compensated at the same wage rate as her former work, or that the new assignment was a demotion. Therefore, under the facts herein, we hold that the claimant voluntarily left her most recent employment without good cause under Section 58(a)(1) and is subject to disqualification provided in Section 58(b) of the Act (now section 1260 of the Unemployment Insurance Code).

The further issue raised in the claimant's appeal is whether she met the availability requirements of Section 57(c) of the Act (now section 1253(c) of the Unemployment Insurance Code). To be available for work, a claimant must be ready, willing and able to accept suitable employment in a normal labor market without limitation or restriction. In the instant case, the claimant's restriction to short-time cashier work in a limited labor market had the effect of unreasonably reducing her opportunities for obtaining work and thereby resulted in a withdrawal from the labor market. Therefore, we agree with the Referee that the claimant is ineligible for benefits under Section 57(c) of the Act for the period involved herein.

#### DECISION

The decision of the Referee is modified. The claimant is disqualified for benefits under Section 58(a)(1) of the Act for the five weeks period provided in Section 58(b) of the Act. The claimant is ineligible for benefits under Section 57(c) of the Act.

Sacramento, California, June 30, 1949.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

MICHAEL B. KUNZ, Chairman

GLENN V. WALLS

PETER E. MITCHELL